



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE REAL ESTATE COMMISSION
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615-741-2273
<http://www.tn.gov/commerce/section/real-estate-commission>**

MINUTES

The Tennessee Real Estate Commission held a meeting November 9 and 10, 2016 at 9:00 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman, Griess.

Griess, Board Chairman welcomed everyone to the Board meeting.

Mr. Young, Executive Director called roll. The following Commission Members were present: Chairman John Griess, Vice Chairman Commissioner Austin McMullen, Commissioner Diane Hills, Commissioner Fontaine Taylor, Commissioner Gary Blume, Commissioner Rick Douglass, Commissioner Johnny Horne, and Commissioner Bobby Wood. Commissioner Marcia Franks was absent. Others present: Executive Director Malcolm Young, Assistant General Counsel Mallorie Kerby and Sarah Mathews, Education Director Ross White and Commission Staff Brooke Chartrand.

MINUTES-

Minutes for the October 6 and 7, 2016 board meeting were submitted for changes and/or approval.

Motion made by Commissioner Hills and seconded by Commissioner Taylor to approve the October 6 and 7, 2016 minutes. Motion carried unanimously. Commissioner McMullen abstained.

SPECIAL APPEARANCES-

Mark Green- Announced to the Commission that Sarah Mathews will be taking over as The Tennessee Real Estate Commission's program attorney. In addition to her new role with the

Commission, legal will be restructuring the complaint presentation format with Dennis Gregory and Robyn Ryan as Disciplinary Counsel.

Brian McCormack and Bill Huddleston- Updated the Commissioners with Fiscal year 2015-2016 year end standings.

INFORMAL APPEARANCES-

Application for Affiliate Broker licensure; Angela B. Smith

Motion made by Commissioner McMullen and seconded by Commissioner Hills to approve applicant for licensure process. Motion carried unanimously.

COMMISSION DISCUSSION-

Motion by Commissioner Taylor to approve the Education Instructor Training Verification form. Seconded by Commissioner Wood. Motion carried unanimously.

Rule Modification Previously Passed at October's Commission Meeting:

“Motion by Commissioner Wood to have the Executive Director and Legal draft together possible rule changes regarding advertising, specifically not requiring the firm's phone number or the phrase “Each office independently owned and operated”. Seconded by Commissioner Hills. Motion passes unanimously.”

Motion by Commissioner McMullen to have legal draft together a rule modification to the advertising rule (1260-02.13) (3) (b) to remove the following:

- All advertising shall be under the direct supervision of the principal broker and shall list the firm name and the firm telephone number as listed on file with the Commission. With regard to the size and visibility of the firm name and firm telephone number, all of the following shall apply:
 - ~~The firm name must be the most prominent name featured within the advertising, whether it be by print or other media; and~~
 - The firm's ~~telephone number shall~~ **name** be the same size or larger than ~~the telephone number of~~ any individual licensee or group of licensees.
- And add a “one click” away function to apply towards the firm name and firm phone number in regards to internet advertising.

Seconded by Commissioner Hills. Motion carried unanimously.

The Commissioners addressed the statute of limitation regarding informal appearances and requested office of legal counsel to draft up a rule or policy that addresses a maximum 10 year limit in regards to all felonies, misdemeanors, or disciplinary actions taken against the informal applicant.

EDUCATION REPORT-

Motion made by Commissioner Hills to approve courses N1-N16 motion seconded by Commissioner Taylor. Motion carried unanimously.

Motion made by Commissioner Hills to approve instructors N1-N16 and seconded by Commissioner Wood. Motion carried unanimously.

EXECUTIVE DIRECTORS REPORT-

Review of Financial and Statistical Reports

LEGAL REPORT- Staff Attorney

1. 2016036011
Opened: 4/27/16
First Licensed: 11/3/06
Expiration: 11/2/16
Type of License: Affiliate Broker
History: No Prior Disciplinary History

2. 2016036012
Opened: 4/27/16
First Licensed: 11/14/12
Expiration: 11/13/16
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Consent order for \$500 for violation of T.C.A. § 62-13-403(1)(reasonable skill and care). for each respondent.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

3. 2016036671
Opened: 4/29/16
First Licensed: 6/9/95
Expiration: 2/23/18
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss unless the Commission determines that the Respondent did not exercise reasonable skill care in drafting the dimensions for the garage in the contract.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume and seconded by Commissioner Wood. Motion passes unanimously.

4. 2016036741
Opened: 4/29/16
First Licensed: 9/2/11
Expiration: 2/4/17
Type of License: Real Estate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss unless the Commission determines that the Respondent did not exercise adequate supervision over the affiliate broker's drafting of the dimensions for the garage in the contract.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Blume and seconded by Commissioner Wood. Motion passes unanimously.

5. 2016036801
Opened: 5/12/16
First Licensed: 1/28/00
Expiration: 12/27/15
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Horne. Motion passes unanimously.

6. 2016037051
Opened: 5/4/16
First Licensed: 5/21/12
Expiration: 5/20/18
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

7. 2016037511
Opened: 5/6/16
First Licensed: 2/17/05
Expiration: 6/14/17
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

8. 2016036821
Opened: 5/10/16
First Licensed: 7/2/97
Expiration: 1/6/18
Type of License: Principal Broker
History: 20150224121-Litigation Monitoring

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

9. 2016028451
Opened: 5/19/16
First License Obtained: 5/15/07
License Expiration 5/14/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Taylor and seconded by Commissioner Hills. Motion passes unanimously.

10. 2016032191
Opened: 7/12/16
First License Obtained: 2/7/03
License Expiration: 10/31/16
Type of License: Broker

History: No Prior Disciplinary History Recommendation: Consent Order for \$500.00 civil penalty for violation of Rule 1260.02-.02 (2) pursuant to Tenn. Code Ann. § 62-13-312(14) violation of any rule of the Commission

Decision: Dismiss. Motion by Commissioner Blume and seconded by Commissioner Taylor. Motion passes unanimously.

11. 2016032701
Opened: 6/14/16

Recommendation: Discussion

Decision: Consent order for \$500 for unlicensed activity. Motion by Commissioner Griess and seconded by Commissioner Hills. Motion passes 7-1 with Douglass against.

12. 2016033151
Opened: 6/15/16
First License Obtained: 5/24/06
License Expiration: 5/23/18
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Taylor and seconded by Commissioner Hills. Motion passes unanimously.

13. 2016039541
Opened: 7/14/16
First License Obtained: 5/24/06
License Expiration: 5/23/18
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss against Respondent but open complainant against Complainant for actions concerning contracts prepared by Complainant and Complainant's potential improper dealings. In addition, an investigation should be initiated.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Taylor and seconded by Commissioner Hills. Motion passes unanimously.

14. 2016033311
Opened: 5/18/16
First License Obtained: 5/24/06
License Expiration: 5/23/18
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: \$1,000.00 civil penalty for violation of 62-12-312(20) improper conduct.

Decision: Dismiss. Motion by Commissioner Taylor and seconded by Commissioner McMullen. Motion passes unanimously.

15. 2016039581
Opened: 7/14/16
First License Obtained: 5/24/06
License Expiration: 4/24/18
Type of License: Principal Broker
History: No Prior Disciplinary History/ Pending Complaint open 201606593 not yet referred to legal for failure to supervise respondent listed in cases above.

Recommendation: Dismiss against Respondent but open complainant against Complainant for actions concerning contracts prepared by Complainant and Complainant's potential improper dealings. In addition, an investigation should be initiated.

Decision: The Commission voted to accept the recommendation of legal counsel.

16. 2016033181
Opened: 6/15/16
First License Obtained: 6/3/14
License Expiration: 6/2/16
Type of License: Affiliate broker
History: No Prior Disciplinary History

Recommendation: Litigation monitoring order.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

17. 2016033201
Opened: 6/15/16
First License Obtained: 8/28/12
License Expiration: 8/27/18
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

18. 2016033221
Opened: 6/15/16
First License Obtained: 9/23/89
License Expiration: 11/10/16
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Hills. Motion passes unanimously.

19. 2016034731

Opened: 5/2/16
First Licensed: 10/30/92
Expiration: 10/3/18
Type of License: Real Estate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Taylor. Motion passes unanimously.

20. 2016020361
Opened: 4/9/16
First Licensed: 8/8/15
Expiration: 8/17/17
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

21. 2016020381
Opened: 4/9/16
First Licensed: 11/15/11
Expiration: 11/14/17
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

22. 2016046221
Opened: 3/30/16
First Licensed: 4/29/05
Expiration: 12/05/16
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: Consent order for \$500 for violation of T.C.A. 66-32-122(f) and open a complaint against the exchange company for failure to file the statement required in T.C.A. 66-32-122(e).

Decision: Consent order for \$1000 civil penalty for violation of T.C.A. 66-32-122(f) and open a complaint against the exchange company for failure to file the statement required in T.C.A. 66-32-122(e). Motion by Commissioner Hills and seconded by Commissioner McMullen. Motion passes unanimously.

23. 2016020831
Opened: 4/12/16
Type of License: Unlicensed

Recommendation: Consent order for \$500 for violation of T.C.A 62-13-301, unlicensed activity.

Decision: Consent order for \$1000 civil penalty for violation of T.C.A 62-13-301, unlicensed activity. Motion by Commissioner Blume and seconded by Commissioner McMullen. Motion passes unanimously.

24. 2016018531
Opened: 3/29/16
First Licensed: 8/18/14
Expiration: 8/17/16
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: Because the firm is no longer in business, the recommendation is to dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Wood. Motion passes unanimously.

25. 2016033711
Opened: 4/26/16
First Licensed: 12/8/94
Expiration: 11/10/16
Type of License: Real Estate Broker
History: No Prior Disciplinary History

Recommendation: It seems to legal counsel that if there is a listing agreement with the firm and a licensee within that firm listing the property then that licensee owes that property owner the

duties owed to clients, including the duty to be loyal to the interests of the client. However, legal counsel defers to the Commission's industry expertise.

Decision: Consent order for \$500 for violation 62-13-404(2) failure to be loyal to the interests of the client. Motion by Commissioner Taylor and seconded by Commissioner Horne. Motion passes unanimously.

Commissioners recessed at 4:20 pm.

Commissioners resumed the meeting the following day, November 10 at 9am.

26. 2016033571
Opened: 4/24/16
First Licensed: 2/21/95
Expiration: 6/7/17
Type of License: Principal Broker
History: No Prior History

Recommendation: Counsel recommends the Commission discuss this matter.

Decision: Consent Order for \$2,000 for two violations of T.C.A. 62-13-312(b)(5) for failing within a reasonable time to account for or to remit any moneys coming into licensee's possession that belongs to others and \$1,000 violation of T.C.A. 62-13-406 for a total of Three Thousand Dollars (\$3,000). Motion by Commissioner Hills and seconded by Commissioner McMullen. Motion passes unanimously.

27. 2016034071
Opened: 4/26/16
First Licensed: 7/31/87
Expiration: 2/26/17
Type of License: Principal Broker
History: No Prior History

Recommendation: Counsel recommends the Commission discuss this matter.

Decision: Consent Order for \$1,000 for violation of T.C.A. 62-13-312(b)(5) for failing within a reasonable time to account for or to remit any moneys coming into licensee's possession that belongs to others. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

28. 2016019361
Opened: 4/5/16
First Licensed: 6/18/98

Expiration: 1/15/17
Type of License: Retired Broker
History: No Prior Disciplinary Action

Recommendation: \$250 each for 8 violations of T.C.A. § 62-13-301(licensed activity) for 8 different properties as evidenced by 3 leases, 1 collection of rent, 1 rental history verification, 2 notices to vacate and 1 letter of notice to terminate the lease and \$250 each for 4 violations of the same statute for the four craigslist advertisements for a total of \$3000.

Decision: The Commission voted to propose a consent order for \$500 each for 8 violations of T.C.A. § 62-13-301(licensed activity) for 8 different properties as evidenced by 3 leases, 1 collection of rent, 1 rental history verification, 2 notices to vacate and 1 letter of notice to terminate the lease and \$250 each for 4 violations of the same statute for the four craigslist advertisements for a total of \$5000.

Recommendation: Consent order for \$500 each for 8 violations of T.C.A. § 62-13-301(licensed activity) for 8 different properties as evidenced by 3 leases, 1 collection of rent, 1 rental history verification, 2 notices to vacate and 1 letter of notice to terminate the lease and \$250 each for 3 violations of the same statute for three properties Respondent manages on behalf of the Association for a total of \$4,750. (This recommendation removes the violations for licensed activity based upon the craigslist ads and adds the same violations for the units Respondent manages on behalf of the Association.)

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

29. 2016060351
Opened: 10/2/15
First Licensed: 12/11/90
Expiration: 9/28/18
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: Counsel recommends the authorization of a civil penalty in the amount of Two Hundred Fifty Dollars (\$250) for failure to respond to the complaint within ten (10) days as required under TCA 62-13-313(a)(2).

Decision: Consent Order for \$1,000 for failure to respond to the complaint within ten (10) days as required under TCA 62-13-313(a)(2). Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

30. 2016038521
Opened: 5/16/16

First Licensed: 7/6/09
Expiration: 7/5/17
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: \$1,000.00 civil penalty for violation of T.CA 62-13-312(14) Violating any provision of this chapter, any rule, duly promulgated and adopted under this chapter or the term of any lawful order entered by the commission. The law in question is T.C.A 62-13-404 (2) being loyal to the interest of the client.

Decision: Dismiss. Motion by Commissioner McMullen and seconded by Commissioner Wood. Motion passes unanimously.

31. 2016020611
Opened: 4/11/16

Recommendation: The company in question is an LLC and apparently one owner, but no indication if the owner is someone other than Respondent. The company is buying and selling homes but recent decisions by administrative law judges have concluded that owners of an LLC are not separate from the business and that the LLC is not a corporation and therefore no license is required by the owners. Dismiss.

Decision: Consent Order for \$500 civil penalty for unlicensed activity. Motion by Commissioner Taylor and seconded by Commissioner Wood. Motion passes unanimously.

32. 2016058981
Opened: 3/23/16
First Licensed: 1/28/04
Expiration: 11/11/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Wood and seconded by Commissioner McMullen. Motion passes unanimously.

33. 2016059001
Opened: 3/23/16
First Licensed: 1/28/04
Expiration: 11/11/17
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Counsel recommends the authorization of a civil penalty in the amount of Two Hundred Fifty Dollars (\$250) for failure to respond to the complaint within ten (10) days as required under TCA 62-13-313(a)(2).

Decision: Consent Order for One Thousand Dollars (\$1,000) civil penalty for failure to respond to the complaint within ten (10) days as required under TCA 62-13-313(a)(2). Motion by Commissioner Hills and seconded by Commissioner McMullen. Motion passes unanimously.

34. 2016058901
Opened: 3/23/16
First Licensed: 4/18/07
Expiration: 4/17/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

35. 2016058951
Opened: 3/23/16
First Licensed: 4/18/07
Expiration: 6/9/16
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner McMullen. Motion passes unanimously.

36. 2016059121
Opened: 12/29/15
First Licensed: 10/2/85
Expiration: 8/5/16
Type of License: Real Estate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Taylor. Motion passes unanimously.

37. 2016059101
Opened: 12/29/15
First Licensed: 3/7/07
Expiration: 9/4/17
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner McMullen. Motion passes unanimously.

38. 2016058821
Opened: 10/22/15
First Licensed: 6/17/05
Expiration: 7/12/18
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Hills. Motion passes unanimously.

39. 2016058761
Opened: 10/22/15
First Licensed: 7/7/14
Expiration: 7/6/18
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Wood and seconded by Commissioner Blume. Motion passes unanimously.

40. 2016058871
Opened: 10/22/15
First Licensed: 2/27/91
Expiration: 5/20/17
Type of License: Principal Broker
History: March 2015 \$1000 Consent Order and TREC Attendance-Failure to Supervise

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

41. 2016059831
Opened: 12/3/15
First Licensed: 7/12/13
Expiration: 7/11/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Wood and seconded by Commissioner Hills. Motion passes unanimously.

42. 2016059881
Opened: 12/3/15
First Licensed: 10/31/07
Expiration: 1/27/17
Type of License: Principal Broker
History: Pending complaints 2016050861; 2016063241; 2016033091; 201605584

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Wood and seconded by Commissioner Taylor. Motion passes unanimously.

43. 2016043531
Opened: 2/17/16
First Licensed: 1/26/04
Expiration: 12/31/16
Type of License: Time Share Registration
History: No Prior Disciplinary History

Recommendation: Counsel recommends this matter against the Respondent be dismissed.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Hills. Motion passes unanimously.

44. 2016060021
Opened: 3/7/16
First Licensed: 1/21/04
Expiration: 2/5/18

Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

45. 2016060921
Opened: 3/13/16
First Licensed: 6/16/06
Expiration: 6/15/08
Type of License: Affiliate Broker
History: No Prior Disciplinary History/ Pending Complaint 2016055761

Recommendation: Due to no violations on behalf of the Respondent, this matter should be dismissed.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

46. 2016061001
Opened: 3/13/16
First Licensed: 2/16/05
Expiration: 8/6/18
Type of License: Real Estate Firm
History: February 2006 Consent Order

Recommendation: Dismiss this complaint against the real estate firm and open a complaint against the firm's principal broker for failure to supervise.

Decision: Dismiss. Motion by Commissioner Hills and seconded by Commissioner McMullen. Motion passes unanimously.

47. 2016057921
Opened: 3/15/16
First Licensed: 4/28/90
Expiration: 9/1/16
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Counsel recommends this matter be dismissed.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

48. 2016059041
Opened: 4/5/16
First Licensed: 1/28/00
Expiration: 12/25/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Counsel recommends this matter be dismissed.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Hills. Motion passes unanimously.

49. 2016059061
Opened: 3/23/16
First Licensed: 9/20/00
Expiration: 4/9/17
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner Wood. Motion passes unanimously.

50. 2016058851
Opened: 3/25/16
First Licensed: 5/13/03
Expiration: 7/23/17
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Taylor and seconded by Commissioner McMullen. Motion passes unanimously.

51. 2016059691
Opened: 3/28/16
First Licensed: 3/10/09
Expiration: 3/9/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Hills. Motion passes unanimously.

52. 2016059761
Opened: 3/28/16
First Licensed: 6/20/94
Expiration: 6/3/17
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Hills and seconded by Commissioner McMullen. Motion passes unanimously.

53. 2016055711
Opened: 3/30/16
First Licensed: 6/20/94
Expiration: 6/3/17
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner McMullen and seconded by Commissioner Hills. Motion passes unanimously, Commissioner Wood abstained.

54. 2016059081
Opened: 4/4/16
First Licensed: 3/11/03
Expiration: 1/18/17
Type of License: Principal Broker
History: Consent Order 2008 Contract Dispute- \$1,000 Civil Penalty; consent Order 2013 \$1,000 Civil Penalty for failure to supervise; Pending complaint open 2016044551

Recommendation: Due to insufficient evidence, Counsel recommends this matter be dismissed.

Decision: Consent order for \$1,000 for violation of T.C.A. 62-13-312(b)(5) failure to return the earnest money. Motion by Commissioner McMullen and seconded by Commissioner Hills. Motion passes unanimously.

55. 2016038611 Respondent 2
Opened: 5/18/16
First Licensed: 10/2/15
Expiration: 10/01/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: As to Respondent 1, close. As to Respondent 2, authorize formal and send a consent order with a civil penalty in the amount of five hundred dollars (\$500.00) for violation of Tenn. Code Ann. § 62-13-403(1) (diligently exercise reasonable skill and care to in providing services to all parties to the transaction).

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Taylor and seconded by Commissioner Hills. Motion passes unanimously.

56. 2016038671 Respondent 1
Opened: 5/18/16
First Licensed: 10/11/02
Expiration: 11/30/16
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: As to Respondent 1, close. As to Respondent 2, authorize formal and send a consent order with a civil penalty in the amount of five hundred dollars (\$500.00) for violation of Tenn. Code Ann. § 62-13-403(1) (diligently exercise reasonable skill and care to in providing services to all parties to the transaction).

Decision: Consent Order for \$500 for violation of T.C.A. 62-13-312(b)(15) failure to supervise. Motion by Commissioner McMullen and seconded by Commissioner Taylor. Motion passes unanimously.

57. 2016038291
Opened: 5/16/16
First Licensed: 8/17/15
Expiration: 8/16/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: \$1,000.00 civil penalty for violation of T.C.A. 62-13-312(14) Violating any provision of this chapter, any rule, duly promulgated and adopted under this chapter or the term of any lawful order entered by the commission. The law in question is T.C.A 62-13-403 (1) diligently exercise reasonable skill and care in providing services to all parties to the transaction.

Decision: Consent Order for \$500 civil penalty for violation of T.C.A 62-13-403 (1) diligently exercise reasonable skill and care in providing services to all parties to the transaction. Motion by Commissioner Horne and seconded by Commissioner McMullen. Motion passes 5-2 with Commissioner Wood and Commissioner Douglass against.

58. 2016038311
Opened: 5/18/16
First Licensed: 10/2/01
Expiration: 10/23/18
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Authorize formal and send a consent order with a civil penalty in the amount of five hundred dollars (\$500.00) for violation of Tenn. Code Ann. § 62-13-312(b)(15) (failure to supervise).

Decision: Dismiss. Motion by Commissioner Taylor and seconded by Commissioner Wood. Motion passes unanimously.

59. 2016042291 Respondent 4
Opened: 5/18/16
Type of License: Time Share Registration
History: No Prior Disciplinary History

Decision: Respondent 4, Consent Order for \$1,000 civil penalty for violation of Tenn. Code Ann. § 62-13-313(a)(2) (failure to respond). Motion by Commissioner Taylor and seconded by Commissioner Hills. Motion passes unanimously.

60. 2016042341 Respondent 5
Opened: 5/18/16
Type of License: Time Share Registration
History: No Prior Disciplinary History

Recommendation: As to Respondent 4, authorize formal and send a consent order with a civil penalty in the amount of two thousand dollars (\$2,000.00) for violation of Tenn. Code Ann. § 66-32-121(f)(2)(H) (engaged in any other conduct which constitutes improper, fraudulent or dishonest dealing) and Tenn. Code Ann. Tenn. Code Ann. § 62-13-313(a)(2) (failure to respond).

Decision: Respondent 5, Dismiss. Motion by Commissioner Griess and seconded by Commissioner Wood. Motion passes unanimously.

61. 2016036361 Respondent 6

Opened: 5/19/16
First Licensed: 8/23/02
Expiration: 6/26/18
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: As to Respondent 6, authorize formal and send a consent order with a civil penalty in the amount of one thousand dollars (\$1,000.00) for violation of T.C.A. 62-13-403(1) (diligently exercise reasonable skill and care in providing services to all parties to the transaction) and (4) (provide services to each party to the transaction with honesty and good faith) and 62-13-404(2) (be loyal to the interest of the client) and (3) (failure to schedule all property showings and answering any questions that the client may have in negotiation of a successful purchase agreement within the scope of the licensee's expertise). As to Respondent 7, authorize formal and send a consent order with a civil penalty in the amount of one thousand dollars (\$1,000.00) for violation of T.C.A. 62-13-312(b)(15) (failure to supervise).

Decision: Dismiss. Motion by Commissioner Griess and seconded by Commissioner Wood. Motion passes 5-3 with Commissioner Hills, Commissioner Douglas, and Commissioner Taylor against.

62. 2016036381 Respondent 7
Opened: 5/19/16
First Licensed: 2/9/81
Expiration: 11/10/16
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: As to Respondent 6, authorize formal and send a consent order with a civil penalty in the amount of one thousand dollars (\$1,000.00) for violation of T.C.A. 62-13-403(1) (diligently exercise reasonable skill and care in providing services to all parties to the transaction) and (4) (provide services to each party to the transaction with honesty and good faith) and 62-13-404(2) (be loyal to the interest of the client) and (3) (failure to schedule all property showings and answering any questions that the client may have in negotiation of a successful purchase agreement within the scope of the licensee's expertise). As to Respondent 7, authorize formal and send a consent order with a civil penalty in the amount of one thousand dollars (\$1,000.00) for violation of T.C.A. 62-13-312(b)(15) (failure to supervise).

Decision: Respondent 7, Dismiss. Motion by Commissioner Griess and seconded by Commissioner Wood. Motion passes unanimously.

63. 2016038481
Opened: 5/20/16
First Licensed: 4/20/99
Expiration: 12/31/16

Type of License: Time Share Registration

History: No Prior Disciplinary History- Pending Open Complaints 2016042221;
2016048901; 2016056251; 2016042321; 2016063281; 2016065541;

Recommendation: Authorize formal and send a consent order with a civil penalty in the amount of five hundred dollars (\$500.00) for violation of T.C.A. 66-32-121(f)(2)(D) (failed to perform any stipulation or agreement made to induce the commission to issue an order relating to that time-share program).

Decision: Consent Order for \$1,000 civil penalty for violation of T.C.A. 66-32-133(12). Failing to award and distribute prize, gift, or thing of value or product or services offered in accordance with the rules, terms, and conditions of the offer or promotional programs as stated or disclosed in accordance with subdivisions (1)-(11). Motion by Commissioner Blume and seconded by Commissioner Taylor. Motion passes 6-2 with Commissioner Wood and Commissioner Griess against.

64. 2016038891 Respondent 9

Opened: 5/23/16

First Licensed: 10/2/12

Expiration: 10/1/18

Type of License: Affiliate Broker

History: No Prior Disciplinary History

Decision: Respondent 9, Consent Order for \$1,000 TCA 62-13-312(b)(4) and Tenn. Comp. R. & Regs. 1260-02-.12(3)(f) eight (8) hours of continuing education above other requirements within 180 days of executing the consent order. Motion by Commissioner Taylor and seconded by Commissioner Hills. Motion passes unanimously.

65. 2016038911 Respondent 10

Opened: 5/23/16

First Licensed: 4/7/00

Expiration: 3/14/17

Type of License: Principal Broker

History: 2014 Consent Order \$1,000

Recommendation: As to Respondent 10, close. As to Respondent 9, authorize formal and send a consent order with a civil penalty in the amount of two hundred fifty dollars (\$250.00) for violation of T.C.A. 62-13-312(b)(4) (misleading or untruthful advertising) and Tenn. Comp. R. & Regs. 1260-02-.12(3)(c)(d)(e) (untruthful advertising).

Decision: Respondent 10, dismiss. Motion by Commissioner Taylor and seconded by Commissioner Hills. Motion passes unanimously.

66. 2016060171
Opened: 4/5/16
First Licensed: 10/31/03
Expiration: 5/26/17
Type of License: Real Estate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: Dismiss. Motion by Commissioner Griess and seconded by Commissioner Hills. Motion passes unanimously.

67. 2016060241
Opened: 4/5/16
First Licensed: 8/29/03
Expiration: 11/13/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: Dismiss. Motion by Commissioner Taylor and seconded by Commissioner Douglass. Motion passes unanimously.

68. 2016060281
Opened: 4/5/16
First Licensed: 3/5/03
Expiration: 9/5/17
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: Dismiss. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

69. 2016020231
Opened: 4/8/16
First Licensed: 1/13/99
Expiration: 2/5/18
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Consent order for \$250 for violation of T.C.A 62-13-313(a)(2)(failure to respond) and \$250 for violation of T.C.A 62-13-312)(b)(5)(failing within a reasonable time to remit money belonging to others).

Decision: Consent order for \$1,000 for violation of T.C.A 62-13-313(a)(2)(failure to respond) and \$500 for violation of T.C.A 62-13-312)(b)(5)(failing within a reasonable time to remit money belonging to others) for a total of One Thousand Five Hundred Dollars (\$1,500) civil penalty. Motion by Commissioner Taylor and seconded by Commissioner Hills. Motion passes 6-1 with Commissioner Douglass against.

70. 2016036811
Opened: 5/4/16
First Licensed: 8/17/92
Expiration: 10/5/18
Type of License: Principal Broker
History: No Prior Disciplinary History
Recommendation: Dismiss.

Decision: Dismiss. Motion by Commissioner Griess and seconded by Commissioner Taylor. Motion passes unanimously.

71. 2016042221
Opened: 5/16/16
First Licensed: 4/20/99
Expiration: 12/31/16
Type of License: Time Share Registration
History: No Prior Disciplinary History- Pending Open Complaints 2016038481;
2016048901; 2016056251; 2016042321; 2016063281; 2016065541

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion by Commissioner Griess and seconded by Commissioner Taylor. Motion passes unanimously.

72. 2016038731
Opened: 05/24/2016
First Licensed: 04/01/1999
Expiration: 10/29/2018
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Recommendation: Close against Respondent. Open a complaint against the affiliate broker and authorize a consent order for \$500 for one (1) violation of Tenn. Comp. R. & Regs. 1260-02-.12(6), for unsubstantiated selling claims and misleading statements or inferences in advertising.

Decision: Close against Respondent. Open a complaint against the affiliate broker. Motion by Commissioner Griess and seconded by Commissioner Taylor. Motion passes unanimously, with Commissioner Wood and Commissioner Douglass abstaining.

73. 2016038771
Opened: 05/25/2016
First Licensed: 06/25/1999
Expiration: 04/04/2018
Type of License: Affiliate Broker
History: 201200059 – Letter of Warning; 201400249 – \$1,000 Consent Order

Recommendation: Dismiss.

Decision: Consent Order for \$1,000 civil penalty for violation of Tenn. Code Ann. § 62-13-312(b)(4) misleading advertising and Tenn. Comp. R. & Regs. 1260-02-.12(3)(f) misleading advertising. Motion by Commissioner Taylor and seconded by Commissioner Griess. Motion passes unanimously.

74. 2016038851
Opened: 05/25/2016
First Licensed: 02/02/2000
Expiration: 11/11/2016
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: Consent Order for \$1,000 civil penalty for violation of Tenn. Code Ann. § 62-13-312(b)(4) misleading advertising and Tenn. Comp. R. & Regs. 1260-02-.12(3)(f) misleading advertising and violation of Tenn. Code Ann. § 62-13-312(b)(15) (failure to supervise). Motion by Commissioner Wood and seconded by Commissioner Horne. Motion passes 7-1 with Commissioner Taylor against.

75. 2016040721
Opened: 05/25/2016
First Licensed: 11/01/2004
Expiration: 11/02/2017

Type of License: Affiliate Broker
History: No Prior Disciplinary History

Decision: Dismiss. Motion by Commissioner Wood and seconded by Commissioner Hills. Motion passes unanimously.

76. 2016040931
Opened: 05/25/2016
First Licensed: 05/17/1989
Expiration: 09/17/2018
Type of License: Principal Broker
History: 2010 – \$500 Consent Order; 2011–Agreed Citation Paid

Recommendation: Close but may need investigation.

Decision: Dismiss. Motion by Commissioner Griess and seconded by Commissioner Taylor. Motion passes unanimously.

77. 2016040761
Opened: 05/27/2016
First Licensed: 04/22/2008
Expiration: 06/23/2017
Type of License: Principal Broker
History: 2016- \$1,000 Consent Order (reasonable skill and care)

Recommendation: Close but may need investigation.

Decision: Dismiss. Motion by Commissioner Griess and seconded by Commissioner Wood. Motion passes unanimously.

78. 2016042321
Opened: 05/27/2016
First Licensed: 04/20/1999
Expiration: 12/31/2016
Type of License: Time Share Registration
History: No Prior Disciplinary History- Pending Open Complaints 2016038481; 2016048901; 2016056251; 2016063281; 2016065541; 2016042221

Recommendation: Dismiss.

Decision: Dismiss. Motion by Commissioner Griess and seconded by Commissioner Wood. Motion passes unanimously.

79. 2016036251
Opened: 05/29/2016
First Licensed: 06/05/2008
Expiration: 06/04/2019
Type of License: Affiliate Broker
History: 2008 – \$3,000 Consent Order; 201202580 – \$3,000 Consent Order for contracts and reasonable skill and care

Recommendation: Counsel recommends the authorization of a civil penalty in the amount of Five Hundred Dollars (\$500) for advertising that the can “stop all foreclosures” in violation of T.C.A. § 62-13-312(b).

Decision: Refer to Department of Financial Institutions and wait for response from principal broker 2016036491, and then put back onto the legal report together. Motion by Commissioner Griess and seconded by Commissioner Hills. Motion passes unanimously.

80. 2016036491
Opened: 05/29/2016
First Licensed: 07/23/1980
Expiration: 09/14/2018
Type of License: Principal Broker
History: 200417898 – \$1,000 Final Order

Recommendation: Dismiss.

Decision: Leave Open and get service for the complaint. Motion by Commissioner Wood and seconded by Commissioner Hills. Motion passes unanimously.

81. 2016038351
Opened: 05/30/2016
First Licensed: 02/08/2008
Expiration: 10/06/2017
Type of License: Real Estate Broker
History: No Prior Disciplinary History

Recommendation: Counsel recommends the authorization of a civil penalty in the amount of Five Hundred Dollars (\$500) for untruthful advertising in violation of T.C.A. § 62-13-312(b).

Decision: The Commission voted to accept legal counsels recommendation. Motion by Commissioner Wood and seconded by Commissioner Hills. Motion passes unanimously.

82. 2016038401
Opened: 05/30/2016
First Licensed: 02/08/2008
Expiration: 10/06/2017
Type of License: Real Estate Broker
History: No Prior Disciplinary History

Decision: Dismiss. Motion by Commissioner Wood and seconded by Commissioner Hills. Motion passes unanimously.

83. 2016038402
Opened: 05/30/2016
First Licensed: 12/03/2013
Expiration: 12/02/2017
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: Dismiss. Motion by Commissioner Griess and seconded by Commissioner Taylor. Motion passes unanimously.

84. 2016042061
Opened: 06/03/2016
First Licensed: 01/28/2011
Expiration: 01/27/2019
Type of License: Real Estate Firm
History: No Prior Disciplinary History

Decision: Dismiss. Motion by Commissioner Griess and seconded by Commissioner Wood. Motion passes unanimously.

85. 2016042081
Opened: 06/03/2016
First Licensed: 12/15/1978
Expiration: 10/21/2018
Type of License: Principal Broker
History: No Prior Disciplinary History

Recommendation: Dismiss.

Decision: Dismiss. Motion by Commissioner Hills and seconded by Commissioner Taylor. Motion passes unanimously.

86. 2016035391
Opened: 06/07/2016
First Licensed: 02/08/2006
Expiration: 02/07/2018
Type of License: Affiliate Broker
History: 2015-\$1,000 Consent Order

Recommendation: Dismiss this matter against the Respondent and open a complaint against the real estate firm.

Decision: Litigation Monitoring

87. 2016035411
Opened: 06/07/2016
First Licensed: 03/16/1972
Expiration: 07/06/2018
Type of License: Principal Broker
History: 2015 - \$1,000 Consent Order- Failure to supervise

Recommendation: Consent Order for \$1,000 for violations of T.C.A. § 62-13-312(b)(5)(15)(20).

Decision: Litigation Monitoring. Motion by Commissioner Wood and seconded by Commissioner Hills. Motion passes unanimously.

88. 2016040781
Opened: 06/07/2016
First Licensed: 03/17/1995
Expiration: 02/28/2018
Type of License: Affiliate Broker
History: No Prior Disciplinary History

Recommendation: Counsel received no evidence that the Respondent had completed sales during the time in which her license was expired; therefore, due to lack of evidence Counsel recommends this matter be dismissed.

Decision: Dismiss. Motion by Commissioner Blume and seconded by Commissioner Wood. Motion passes unanimously.

Meeting adjourned by Chairman John Griess at 12:34 pm on November 10, 2016.